IN THE HIGH COURT OF UTTARANCAL
AT NAINITAL

First Appeal from Order No. 1560 of 2001
(Old No. 125 of 1987)

Sri Jagdemba Prasad
S/o Late Sri Mahant Shiv Charan Das
R/o Datt Kali Mandir, Dehradun
An employee of Military Engineering
Service Clement Town, Dehradun
(Presently posed with
GE(MESS) Clement Town, Dehradun .....Appellant

Vs

1. Garrison Engineer, MES Clement Town, Dehradun
2. Chief Engineer, Central Command, Lucknow
3. Union of India through Defence Secretary
New Delhi ... Respondents

Sri Rajendra Dobhal, learned counsel for the appellant

Hon'ble B.C. Kandpal, J.

This appeal under Section 30 of the Workmen Compensation Act has been preferred against the award dated 24.08.1987 passed by the Commissioner, Workmen Compensation/Additional District Magistrate (Administration), Dehradun thereby refusing to grant compensation in case No. 11 of 1984 under Section 3 Workmen Compensation Act.

2. As the appeal filed before the Court was time barred by 40 days, therefore, the notices were issued on Section 5 application, which was filed by the appellant along with an affidavit.

3. I have heard learned counsel for the appellant on the application under Section 5 of the Limitation Act and perused the affidavit filed in support thereto.

4. I do not find any sufficient ground to condone the delay in filing the appeal. The delay caused in filing the appeal

has not been sufficiently explained. Accordingly, the application under Section 5 of the Limitation Act for condoning the delay in filing the appeal is dismissed.

5. Consequently, the appeal against the order is also dismissed.

(B.C. Kandpal, J.)

05.09.2006
ASWAL